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By: Herrero

H.B. No. 306

A BILL TO BE ENTITLED

AN ACT

relating to the creation of an open burn pit registry for certain service members and veterans.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Service Member and Veteran Open Burn Pit Registry Act.

SECTION 2. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 99 to read as follows:

CHAPTER 99. OPEN BURN PIT REGISTRY

Sec. 99.001. DEFINITIONS. In this chapter:

(1) "Airborne hazard" means an airborne environmental contaminant, including open burn pit smoke, oil well fire smoke, sand, dust, or other particles, that may cause short-term or long-term health effects to a person exposed to the contaminant.

(2) "Open burn pit," also known as an "open air burn pit," means a site used for solid waste disposal by burning the waste in the outdoor air without the use of a commercially manufactured incinerator or other equipment specifically designed and manufactured for burning solid waste.

(3) "Service member" means an individual who is currently serving in:

(A) the armed forces of the United States;

(B) an auxiliary service of one of the armed forces of the United States, including the National Guard; or

(C) the state military forces as defined by Section 431.001, Government Code.

(4) "Veteran" means an individual who served in:

(A) the armed forces of the United States;

(B) an auxiliary service of one of the armed forces of the United States, including the National Guard; or

(C) the state military forces as defined by Section 431.001, Government Code.

Sec. 99.002. RULES; MEMORANDUM OF UNDERSTANDING. The executive commissioner shall adopt the rules necessary to administer this chapter and may enter into a memorandum of understanding with the United States Department of Veterans Affairs as necessary to administer this chapter.

Sec. 99.003. OPEN BURN PIT REGISTRY. (a) For outreach, education, and advocacy related to exposure to open burn pit smoke or other airborne hazards by service members and veterans in this state, the department shall create and maintain an open burn pit registry of service members and veterans who were exposed to open

burn pit smoke or other airborne hazards during their military service in:

(1) the Southwest Asia theater of operations on or after August 2, 1990;

(2) Operation Desert Shield or Desert Storm;

(3) Djibouti, Africa, on or after September 11, 2001;

(4) Operation Enduring Freedom, Iraqi Freedom, or New Dawn; or

(5) any other conflict or theater identified by the United States Department of Veterans Affairs.

(b) The department shall include for each entry in the open burn pit registry:

(1) the service member's or veteran's name, address, phone number, and electronic address;

(2) the location of the service member's or veteran's service and the period of service;

(3) any medical condition or death of the service member or veteran that may be related to exposure to open burn pit smoke or other airborne hazards; and

(4) any other information that the department or the United States Department of Veterans Affairs considers necessary.

(c) The department shall:

(1) share the information included in the department's

open burn pit registry with the United States Department of Veterans Affairs Airborne Hazards and Open Burn Pit Registry; and

(2) electronically link the open burn pit registry created under this chapter with the federal registry.

Sec. 99.004. VOLUNTARY REGISTRATION. A service member or veteran described by Section 99.003, or a family member of that service member or veteran, may voluntarily register a case of exposure to open burn pit smoke or other airborne hazards with the department for inclusion in the registry.

Sec. 99.005. CONFIDENTIALITY. Entries and information obtained under this chapter are confidential and are not subject to disclosure under Chapter 552, Government Code, are not subject to subpoena, and may not otherwise be released or made public except as provided by this section or Section 99.003.

Sec. 99.006. OPEN BURN PIT INFORMATION. The department, with the assistance of the Texas Veterans Commission, shall develop and include on its Internet website information to inform service members, veterans, and their families about the:

(1) registration and use of the department's open burn pit registry and the United States Department of Veterans Affairs Airborne Hazards and Open Burn Pit Registry;

(2) most recent scientific developments on the health effects of exposure to open burn pit smoke and other airborne

hazards and the status of any illness or condition that is presumed to be caused by exposure to open burn pit smoke or other airborne hazards as designated by the United States Department of Veterans Affairs;

(3) availability of any treatment offered by the United States Department of Veterans Affairs for an illness or condition that may be caused by exposure to open burn pit smoke or other airborne hazards;

(4) process for applying to the United States Department of Veterans Affairs for service-related disability compensation for an illness or condition that may be related to exposure to open burn pit smoke or other airborne hazards, including the methods for documenting the illness or condition; and

(5) manner of appealing to the United States Department of Veterans Affairs an existing service-related disability rating decision or requesting an increased service-related disability rating based on an illness or condition that may be related to exposure to open burn pit smoke or other airborne hazards.

Sec. 99.007. REPORT. Not later than December 1 of each even-numbered year following the creation of the registry, the department shall submit a report to the appropriate standing committees of the house of representatives and senate that includes:

(1) an assessment of the effectiveness of collection and maintenance of information on the health effects of exposure to open burn pit smoke and other airborne hazards; and

(2) any recommendation to improve the collection and maintenance of information about the health effects of exposure to open burn pit smoke and other airborne hazards.

SECTION 3. (a) Not later than March 1, 2020, the executive commissioner of the Health and Human Services Commission shall adopt the rules and enter into any memorandum of understanding necessary to administer this Act.

(b) Notwithstanding Section 99.007, Health and Safety Code, as added by this Act, the Department of State Health Services shall submit an initial report under that section not later than December 1, 2020.

SECTION 4. This Act takes effect September 1, 2019.